

Room-222

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

FCC MAIL SECTION

JUN 22 1993

JUN 23 11 02 AM '93 REFER TO:
1800D5

DISPATCHED BY

John M. Pelkey
Haley, Bader & Potts
4350 North Fairfax Drive, Suite 900
Arlington, Virginia 22203-1633

Dear Mr. Pelkey:

This is in response to a petition for rule making which you filed on behalf of R. Lee and Sarah Wheeler requesting the allotment of Channel 265C3 to Sunrise Beach, Missouri, as that community's first local service.

We have reviewed your proposal and find that it is unacceptable for rule making at this time. Channel 265C3 at Sunrise Beach is short-spaced to the proposed substitution of Channel 265A for Channel 228A at Osage Beach, Missouri. See Report and Order, MM Docket No. 90-66, 7 FCC Rcd 3015 (1992). Although a Report and Order has been released in MM Docket No. 90-66 which substituted Channel 228C3 for Channel 228A at Osage Beach, a petition for reconsideration has been filed in the proceeding. Our policy is to return petitions for rule making that are dependent upon final action in another proceeding.

Based on the above discussion, we are returning your petition for Sunrise Beach, Missouri. You may refile your petition once MM Docket No. 90-66 has been terminated, provided Channel 265C3 is not allotted to Osage Beach. Alternatively, you may wish to determine if another channel is available that is not dependent on the outcome of MM Docket No. 90-66.

Sincerely,

Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Enclosure

bcc: PIRS via Secretary's Office
Room 222 (2 copies)
Petition filed October 30, 1992
RM-8131

Missouri/Beach